

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NEW BERN DIVISION

IN RE:

GEORGE GUTHRIE CONSTRUCTION, INC.

DEBTOR

CASE NO:

11-02740-8-JRL

CHAPTER 11

**NOTICE OF PROPOSED PUBLIC SALE AND
NOTICE OF COMPENSATION OF AUCTIONEER**

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

TO: ALL PARTIES IN INTEREST

Pursuant to 11 U.S.C. §363(b), Federal Rules of Bankruptcy Procedure 6004, 2002 (a), and 2002 (c) (1), notice is hereby given that Debtor in the above referenced case ("Debtor") proposes to sell the following described property:

(See attached description as Exhibit "A")

Notice is further given that the Trustee proposes to sell said property at the date, time and place as hereinafter set out:

DATE: September 9, 2011

TIME: 10:00 AM

PLACE: On site at, Lot 29 Sea Oats Subdivision, Emerald Isle, North Carolina

Pursuant to the Plan Confirmation Order, Debtor employed Mr. Mike Gurkins of Country Boys Auction & Realty as Auctioneer in this case. Mr. Gurkins shall be paid pursuant to Local Rule §6005(b), or standard scale compensation of 10% on the first \$25,000.00, 4% on the balance.

The auctioneer's compensation includes all ordinary, reasonable and necessary expenses of the sale.

If you do not want the court to allow the sale and compensation, or if you want the court to consider your views on the sale and compensation, then on or before **September 5, 2011 at 5:00p.m., Eastern Standard Time**, unless otherwise ordered, you or your attorney must file with the court, pursuant to 9014-2, a written response, an answer explaining your position.

Pursuant to that Memorandum from Chief Bankruptcy Judge J. Rich Leonard, EDNC, dated February 24, 2005, attorneys practicing in the United States Bankruptcy Court for the Eastern

District of North Carolina, including attorneys admitted pro hac vice, are required to file electronically all documents [including new bankruptcy petitions, motions, memoranda of law, and other pleadings, but excluding proofs of claim and documents to be placed under seal in accordance with Local Bankruptcy Rule 5005-4(6)]. Any documents required to be filed electronically pursuant to Local Bankruptcy Rule 5005-4(1) but presented in paper form on or after April 1, 2005, shall be accompanied by an application for an exemption from this rule and a proposed order granting the relief sought. The application shall state the reason(s) why electronic filing would impose an extreme hardship on the attorney. Local Bankruptcy Rules pertaining to electronic filing, including Local Bankruptcy Rules 5005-4(1) and 5005-4(2) may be found on the Court's website www.nceb.uscourts.gov. Electronic filing may be done through the Court's web site. The Court's mailing address is at:

Clerk, U.S. Bankruptcy Court
Eastern District of North Carolina
1760-A Parkwood Blvd.
Wilson, North Carolina 27893-3564

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Marjorie K. Lynch, Esquire
Bankruptcy Administrator
P.O. Box 3758
Wilson, North Carolina 27894-3758
(via ECF)

John C. Bircher
White & Allen, P.A.
P.O. Drawer U
New Bern, NC 28562

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the notice at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the sale and compensation and may enter an order granting that relief.

DATED: August 16, 2011.

/s/ John C. Bircher III
John C. Bircher III
State Bar No. 24119
1319 Commerce Drive
New Bern, NC 28562
Telephone: (252) 638-5792
Facsimile: (252) 637-7548

CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury that she is over eighteen (18) years of age and the **NOTICE OF PROPOSED PUBLIC SALE AND NOTICE OF COMPENSATION OF AUCTIONEER** was this day served upon the below named persons, parties and/or counsel by mailing, postage prepaid, first class mail, a copy of such instruments to such persons, parties and/or counsel at the address shown or as indicated below:

Marjorie K. Lynch, Esquire
Bankruptcy Administrator
P.O. Box 3758
Wilson, North Carolina 27894-3758
(via ECF)

Attached mailing matrix.

DATED: August 16, 2011.

/s/ John C. Bircher III
John C. Bircher III
State Bar No. 24119
1319 Commerce Drive
New Bern, NC 28562
Telephone: (252) 638-5792
Facsimile: (252) 637-7548

Label Matrix for local noticing
0417-8
Case 11-02740-8-JRL
Eastern District of North Carolina
Wilson
Mon Aug 15 16:49:27 EDT 2011

American InfoSource LP as agent for T Mobile
PO Box 248848
Oklahoma City, OK 73124-8848

American Express Bank FSB
c/o Becket and Lee LLP
POB 3001
Malvern PA 19355-0701

American InfoSource LP as agent for
T Mobile/T-Mobile USA Inc
PO Box 248848
Oklahoma City, OK 73124-8848

Auto-Owners Insurance Company
Attn: Accounts Rec. Dept.
PO Box 30660
Lansing, MI 48909-8160

(p)BB AND T
PO BOX 1847
WILSON NC 27894-1847

BB&T
c/o Poyner Spruill LLP
PO Box 353
Rocky Mount, NC 27802-0353

Bankruptcy Administrator
434 Fayetteville St. Mall, Ste. 620
Raleigh, NC 27601-1888

Bankruptcy Administrator
PO Box 3758
Wilson, NC 27895-3758

Brian Behr
Bankruptcy Administrator, EDNC
434 Fayetteville Street Suite 620
Raleigh, NC 27601-1888

(p)JOHN C BIRCHER III
WHITE & ALLEN PA
1319 COMMERCE DRIVE
PO DRAWER U
NEW BERN NC 28563-8520

Carteret County Tax Office
302 Courthouse Square
Beaufort, NC 28516-6709

Centura
c/o Bankruptcy Department
101 W B Mclean Drive
Swansboro, NC 28584-8514

Employment Security Commission
PO Box 26504
Raleigh, NC 27611-6504

George F. Guthrie Construction Co. Inc.
9715 Dolphin Ridge Road
Emerald Isle, NC 28594-2351

George F. Guthrie
9715 Dolphin Ridge Road
Emerald Isle, NC 28594-2351

Guthrie Construction & Interiors
9715 Dolphin Ridge Rd
Emerald Isle, NC 28594-2351

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101-7346

J. Rich Leonard
Raleigh, NC 27602

James S. Livermon III
Poyner & Spruill L.L.P.
P. O. Box 353
Rocky Mount, NC 27802-0353

NC Department of Revenue
Office Services Div., Bankruptcy Unit
PO Box 1168
Raleigh, NC 27602-1168

North Carolina Department of Revenue
Attention: Bankruptcy Unit
P.O. Box 1168
Raleigh, NC 27602-1168

Kristen Diane Price
Poyner & Spruill
PO Box 353
Rocky Mount, NC 27802-0353

RBC Bank (USA)
c/o Poyner Spruill LLP
PO Box 353
Rocky Mount, NC 27802-0353

Town of Emerald Isle
c/o Tax Collector
7500 Emerald Drive
Emerald Isle, NC 28594-2999

US Attorney
310 New Bern Avenue, Suite 800
Federal Building
Raleigh, NC 27601-1461

United States Attorney
310 New Bern Avenue
Suite 800, Federal Building
Raleigh, NC 27601-1461

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

BB&T
c/o Bankruptcy Department
PO Box 1847
Wilson, NC 27894

John C. Bircher III
White & Allen, PA
1319 Commerce Drive
PO Drawer U
New Bern, NC 28563

Internal Revenue Service
Insolvency Support Services
320 Federal Place, Room 335
Greensboro, NC 27401

(d)White & Allen, PA
1319 Commerce Drive
PO Drawer U
New Bern, NC 28562

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)BB&T

(u)Elizabeth C. Berry

(u)Branch Banking and Trust Company

(u)Centura

(u)Country Boys Auction & Realty Co.

(u)George F. Guthrie

(u)RBC Bank (USA)

(u)RSM McGladrey, Inc.

End of Label Matrix	
Mailable recipients	27
Bypassed recipients	8
Total	35

ATTACHMENT

BEING all of Lot 29, Sea Oats Subdivision as shown on plat recorded in Map Book 31, page 31, Carteret County Registry.

This deed of trust is given in the form of hypothecated security in that it is given to secure the debt of another, to wit: the indebtedness evidenced by the promissory note in the sum of \$160,000.00 dated October 27, 2010 which is made and delivered by George F. Guthrie, herein referred to as "Borrower" to and for the benefit of Emily Boone Guthrie as beneficiary. This sum represents a loan made by Emily Boone Guthrie from her separate assets and from the sale of her real estate to George F. Guthrie. George F. Guthrie Construction Company, Inc., herein "Owner", acknowledges that the loan was made to George F. Guthrie individually, and that benefits were derived by George F. Guthrie and the Corporate Grantor, as owner herein from the loan proceeds advanced by the Beneficiary. George F. Guthrie Construction Company Inc. as the owner of lot 29 has and will derive a material and direct benefit from the loan evidenced by the note, and in accordance therewith, George F. Guthrie Construction Company, Inc. agrees that such interest and benefit are sufficient consideration to support the deed of trust.

This deed of trust further secures a note in the sum of \$105,000.00 dated October 27, 2010 representing a direct loan by Emily Boone Guthrie to George F. Guthrie Construction Company, Inc.

In the event of default by either George F. Guthrie on his note in the sum of \$160,000.00 or George F. Guthrie Construction Company, Inc. on its note for \$105,000.00, both of which are secured by this deed of trust, Owner acknowledges, covenants and agrees that Beneficiary shall have all rights and remedies as set forth herein for default just as if Owner had executed both notes. Any default under either note shall likewise be deemed an event of default hereunder giving rise to all rights and remedies as set forth herein for default. Owner expressly agrees that, upon such default, Beneficiary may elect to enforce any rights and remedies which she may have under this deed of trust. The foregoing provisions are set forth and made by Owner an an inducement to Beneficiary to enter into the loan transaction secured hereby.

George F. Guthrie Construction Company, Inc.

by

President

George F. Guthrie individually

BOOK 1357 PAGE 415

06-5591

Lot 29, Sea Oats, Emerald Isle, NC 28594